

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**HERMAN SCOTT CONRAD, individually
and on behalf of all others similarly situated,** §
§
Plaintiff, §
§
§
vs. §
§
**PROFESSIONAL BUREAU OF
COLLECTIONS OF MARYLAND, INC.** §
§
Defendant. §

CASE NO. 3:10-cv-00880-BH
§
MAGISTRATE JUDGE
IRMA C. RAMIREZ
§
CLASS ACTION - JURY

PLAINTIFF'S RULE 26 DISCLOSURE OF EXPERT WITNESSES

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Plaintiff files this Disclosure of Expert Witnesses in accordance with Rule 26 and the orders of this Court.

A. Plaintiff hereby notifies the Court and Defendant that Plaintiff may call the following retained experts to testify live or by deposition at the trial of this lawsuit to present evidence under Federal Rules of Evidence 702, 703, or 705:

1. **Bryan C. Rice, CPA, ABV, CFP, ASA**
4762 Benbrook Blvd.
Fort Worth, TX 76116
817.546.7754

For each expert, Plaintiff attaches a report prepared and signed by the expert in accordance with Rule 26(a)(2)(b), which contains:

- a. a complete statement of all opinions to be expressed and the bases and reasons for them;
- b. the data or other information considered in forming the opinions;

- c. a description of exhibits to be used as a summary or in support of those opinions;
- d. a curriculum vitae, resume, or other listing of the expert's qualifications;
- e. a list of all publications authored by the expert within the last ten years;
- f. all other cases in which the expert has testified as an expert at trial or by deposition in the last four years; and
- g. compensation to be paid to the expert.

Mr. Rice is charging \$300 per hour for his services.

B. In the event that Plaintiff prevails at trial, Plaintiff anticipates presenting an application for attorneys' fees to the Court. In that event, the attorneys listed below are expected to and/or may present information concerning Plaintiff's claims for attorneys' fees, including the reasonable hourly rates for the time expended, the reasonable hours expended on the case, and/or on other relevant factors under applicable law. No expert report has been prepared under FED. R. Civ. P. 26(a)(2)(B) because none of these attorneys have been retained or specially employed to provide expert testimony in the case:

1. **John Howie, Jr.**
4040 N. Central Expressway
Suite 850
Dallas, Texas 75204
214.622.6340
2. **Walt D. Roper**
3100 Monticello Avenue
Suite 500
Dallas, Texas 75205
972.755.2525
3. **Ben C. Martin**
3219 McKinney Ave.
Suite 100

Dallas, Texas 75204
214.761.6614

The above referenced individuals will testify as to the reasonableness and necessity of the attorneys' fees in this matter, the attorney time expended in this case, the fee arraignment for this litigation and the reasonable and necessary cost associated with this litigation.

Mr. Howie, Mr. Roper and Mr. Martin are attorneys licensed to practice law in the state of Texas and who have many years of experience representing consumers in litigation. Mr. Howie has been practicing law since 2000. Mr. Roper has been practicing law since 1993 and Mr. Martin has been practicing law since 1986. Ben Martin is board Certified in Personal Injury Trial Law and Civil Trial Law by the Texas Board of Legal Specialization.

It is anticipated that Mr. Howie, Mr. Roper and/or Mr. Martin will testify that in addition to their services, the Plaintiff has also been assisted in presenting his claims by Thomas Wm. Arbon, an attorney employed by Mr. Martin's law firm. Mr. Arbon is also licensed to practice law in the state of Texas, is Board certified in Personal Injury Litigation and has been engaged in the practice of law since 1986. The Plaintiff has also been assisted by the staff, paralegals and legal assistants for each of the Plaintiff's attorneys' law firms.

It is anticipated that Mr. Howie, Mr. Roper and/or Mr. Martin will testify that \$375.00 per hour is a reasonable fee for the attorneys' services in this matter.

The total amount of attorneys' fees can be determined by multiplying \$375.00 times the total number of hours each attorney has spent preparing this case for trial and actually trying the lawsuit.

It is anticipated that Mr. Howie, Mr. Roper and/or Mr. Martin will testify that \$90 per hour is a reasonable fee for the paralegals' and legal assistants' services in this matter.

The total amount of paralegal and legal assistants' fees can be determined by multiplying \$90 times the total number of hours each paralegal and legal assistant spent working on this case.

This case has only just begun and the attorneys cannot yet predict the total hours that will be required to bring this case to a final resolution nor the total litigation expenses that will be incurred.

C. Plaintiff reserves the right to elicit opinion testimony from any expert witnesses designated or called by Defendant.

D. Plaintiff reserves the right to elicit opinion testimony from any fact witnesses within their area(s) of expertise.

E. Plaintiff reserves the right to supplement or amend this response pursuant to the Federal Rules of Civil Procedure or an order of the Court.

Respectfully submitted,

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John Howie, Jr. (Attorney in Charge)
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LAW OFFICES OF BEN C.MARTIN, L.L.P.
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/s/ Walt D. Roper

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2010, I electronically filed Plaintiff's Rule 26 Disclosure of Expert Witnesses with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Walt D. Roper
Walt D. Roper